

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission
29 West Avenue
Essex, CT 06426
essexct.gov

MINUTES

Regular Meeting - April 12, 2011

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on April 12, 2011 in Room A of the Essex Town Hall. Those members in attendance were Chair Dan Lapman, Charles Corson, Barbara Zernike, Nancy Arnold, Fred Szufnarowski, Claire Tiernan and Larry Shipman. Also in attendance were Joseph Budrow, Essex WEO/ZEO and Stella Beaudoin, Recording Secretary.

New Business

Application #11-1 presented by Amalia Coppolecchia, property located at 15 Falls River Drive, Ivoryton, CT. This is an application for an accessory structure.

This is an application to locate a 30' x 30' detached garage on the north end of the property at a location 30' from the edge of the river. This application also proposes a 10' x 15' addition to the single family dwelling. The addition will be located at the southwestern portion of the building and may be near the floodway area.

Amalia Coppolecchia and Michael Spiranza presented. Mr. Spiranza stated that he hopes to relieve some of the issues of storage in the house by adding a few dormers on top of the existing cape house as well as the construction of a detached two-car garage along the back of the property line.

Mr. Spiranza stated that the location of the septic system which is 13 feet from corner of the house prohibits the applicant to attach the garage to the house. Mr. Spiranza stated that a detached garage will also continue to contribute to an unobstructed view. The current house is constructed on top of a concrete slab and the proposed two car garage will also be constructed on a concrete slab. There will be an area over the garage for storage. The applicant is looking to install a central heat and air conditioning system.

The applicant would also like to extend the existing house to include a master bedroom. The existing bedroom is a foot and a half back from the furthest point of the house which extends to the street.

The whole property is in the 100 foot regulated area. There are no wetlands on the property. The property is entirely wetland review area and the applicant is proposing a regulated activity within the wetland review area.

Mr. Budrow stated that in reviewing the FEMA flood maps, the entire property is in a flood hazard area. Mr. Spiranza stated that the last time this property was underwater was in 1982.

An elevation of the property dated April 6, 2011 which was done by Richard Gates, land surveyor was entered into the record. This documents states that the "FEMA Floodway mapping and the Town of

Essex GIS mapping of the above referenced property and have determined that the existing house structure is outside of the Floodway.”

It was noted that Mr. Budrow could approve this plan in his position as Wetlands Enforcement Agent, however the applicant must hire an architect to work with the town engineer to construct the addition in a way so that flooding would not be a detriment to the property.

Mr. Corson asked if this proposal requires a DEP Permit and further questioned what the grading would be on the property.

Mr. Lapman asked if members wished to conduct a site inspection.

Mr. Budrow will research the need for a DEP Permit in connection with this application.

Mr. Corson asked if this proposal requires ZBA approval.

Mr. Budrow indicated that this Application is on the Agenda for the next regularly scheduled Essex Zoning Board of Appeals meeting on April 19, 2011.

Fred Szufnarowski questioned if the town engineer has reviewed this application.

Mr. Budrow stated that Robert Doane, L.S. is reviewing this application. Mr. Szufnarowski asked that Mr. Doane review the compensatory storage.

Mr. Corson stated that this review of the compensatory storage cannot be accomplished until the grading for this proposal is submitted.

The IWWC will conduct a site inspection on behalf of 15 Falls River Drive on April 19, 2011 at 6:00 p.m.

Application #11-2 presented by Jake Wlochowski for the Town of Essex. This is an application to construct a 16-foot bridge with two 4 x 4 bases filled with concrete or gravel for anchor weights over a stream in the southern pond in Viney Hill Brook park passive recreation area. This project will be constructed in conjunction with the Eagle Scouts and will provide Jake with the final step in earning his Eagle Scout rank.

Richard Helmecki, Essex Conservation Commission member presented. Mr. Helmecki stated that Jake attended a Conservation Commission meeting and presented his proposed project. The Conservation Commission members at that time approved the plan. The project will be located at Viney Hill Brook Park on the backside of the Quarry Pond to facilitate a means for hikers to make a complete trip around the pond. The pond has an earth dam to the north. At some point there is a leak stream that cuts out to the northwest and goes over the stream. It is at that point that the footbridge will be constructed. It will be mounted to the ground by 4' x 4' concrete pads.

Ms. Arnold asked if someone is supervising Jake with this project and questioned who the project manager might be. Mr. Helmecki was not sure who was working with Jake.

Ms. Arnold stated that it is her preference to utilize gravel versus concrete as it is less intrusive.

Chuck Corson noted that in previous discussions related to the construction of a footbridge across flowing water, it was suggested that the footbridge be constructed so that if there was a flood, it would pin to one side. Mr. Corson stated that should the water levels rise, the flow must not be blocked.

It was questioned if this is the same pond where there was a beaver issue.

Mr. Budrow stated that at some point during trail maintenance, someone takes beaver strewn sticks and unplugs the area so the water can freely flow.

Ms. Arnold noted that if there are beaver strewn sticks in this pond, then that constitutes for a beaver dam.

Mr. Corson noted that IW members do need to know the flood history of this area so as to make a decision on this proposal.

Motion made by Fred Szufnarowski to table **Application #11-2 presented by Jake Wlochowski for the Town of Essex.** This is an application to construct a 16-foot bridge with two 4 x 4 bases filled with concrete or gravel for anchor weights over a stream in the southern pond in Viney Hill Brook Park passive recreation area. This application is tabled until such time that the applicant is available to present.

Discussion: Ms. Arnold asked IWWC members to be mindful of potential deadlines in which this project must be completed. Ms. Arnold asked that Mr. Budrow ascertain what Jake's deadline is.

Motion seconded by Larry Shipman and passed unanimously.

Application #11-3 presented by Thomas Metcalf, P.E., L.S. on behalf of David Little Harfst & Verena Anna-Maria Wiedemann-Harfst, property located at 52 Foxboro Road, Essex, CT. This is an Application to remove/demolish a portion of the dwelling structure and reconstruct the dwelling on a modified building footprint. A portion of the dwelling structure to be removed is within 100 feet of a wetlands watercourse. The new building footprint will result in a net reduction of building area within 100 feet of the wetlands. No activity is proposed in a wetland or watercourse.

Tom Metcalf, engineer and surveyor presented. This is an application to demolish a good portion of the existing house and to reconstruct a new house, some of which is within the existing footprint. Mr. Metcalf indicated that the wetlands have been flagged by Rich Snarski, soil scientist.

Mr. Metcalf indicated that he met with Joe Budrow, Essex WEO/ZEO and Mr. Budrow felt that because the applicant proposes to remove a portion of the dwelling within the regulated area, this application needed to come before the Essex IWWC. The structure is proposed to be a gym and also includes a continuous lap pool.

Richard Gates, L.S., surveyed the property. Mr. Metcalf stated that erosion control barriers will be in place and debris will be stockpiled outside of the regulated area. The area adjacent to the proposal is a maintained landscape lawn area. Anne Penniman will do the landscape work adjacent to the structure, i.e., planting beds, retaining walls and stone structures.

Mr. Corson stated that without a planting proposal for review it is difficult to know to make a determination on this application. Mr. Corson stated that the Town of Essex received information on suggested plantings along the Connecticut River. There should be a buffer strip along the edge which makes for a more uniform border around the river. Mr. Corson noted that such a buffer would address those landscaping concerns as stated by the IWWC.

Mr. Metcalf stated that he would provide the Commission with more information on the landscaping proposal. Ms. Arnold asked if Ms. Penniman would be available for a site walk to explain her proposal for landscaping.

IWWC members will conduct a site inspection on behalf of **Application #11-3 presented by Thomas Metcalf, P.E., L.S. on behalf of David Little Harfst & Verena Anna-Maria Wiedemann-Harfst, property located at 52 Foxboro Road, Essex, CT** on April 19, 2011 at 6:40 p.m.

Motion made by Fred Szufnarowski to table Application #11-13 to the regularly scheduled May 2011 meeting.

Motion seconded by Nancy Arnold and passed unanimously.

Other Business

Tom Metcalf, L.S. on behalf of Nancy Arnold and Frank Telo, property located at 41 Main Street, Essex, CT.

Nancy Arnold recused herself.

Mr. Metcalf noted that Ms. Arnold and Mr. Telo own property in Essex which extends from Main Street through Pratt Street. There is a lawn area that is connected to title waters via storm drainage system. During high tide and storm events, the area floods onto their property and across their driveway. Erosion is taking place on the driveway. Mr. Telo and Ms. Arnold would like to subtly raise the driveway from 1' at the closest point to the road to 3' toward the parking area. This subtle increase would get the driveway up above most storm events. Mr. Metcalf stated that this proposal would be somewhat similar to several properties up the street who also raised up their driveway.

This proposal is within a regulated wetland area. Mr. Metcalf questioned if this proposal would be considered maintenance or reconstruction of the driveway. Mr. Metcalf asked members if they would visit the site and make a determination.

Mr. Corson indicated that members could stop by individually which would eliminate the need for a formal site inspection.

Mr. Metcalf stated that he would put in culverts so that in a storm event, water would be able to flow back.

Chuck Corson asked if we are taking away flood storage by filling in.

Mr. Metcalf agreed, however he noted that his understanding of flood zone regulations is that it is permissible to place fill in the flood plain. Mr. Metcalf stated that he realizes that he cannot place fill in the floodway, however filling in the flood plain is permissible.

Chuck asked for a map which would show where the floodway is situated and where the flood plain is located. Mr. Metcalf was cautioned to be careful not to fill in the flood way.

Fred Szufnarowski commented on the compensatory storage in section 103 Flood Plain District from the Essex Zoning Regulations. The water holding capacity of the flood plain shall not be reduced. This will be exempt from the previous issue because it is tidally influenced.

Mr. Metcalf noted that this regulation might be more stringent than that of the FEMA regulation. A Wetlands Permit will be required for this proposal.

Mr. Budrow asked Mr. Metcalf if the attempt to raise the driveway had been previously made. Mr. Metcalf stated that no previous attempts have been made to raise the driveway.

Mr. Corson suggested that Mr. Metcalf put down filter fabric stone.

Mr. Budrow asked that this proposal be made rock solid so as to avoid future sinking of the driveway.
Mr. Budrow was informed that it would not be possible to do so.

Approval of Minutes: Regular Meeting, January 11, 2011

Nancy Arnold returned to the meeting.

The minutes were reviewed and the following corrections are noted in italics:
Page 1, first paragraph toward the bottom. "the location is also *within* 100 feet of a pond."

Page 2, item 2 "*winterization of the pool* will not be discharged to wetlands."

Motion made by Fred Szufnarowski to approve the Minutes from the January 11, 2011 meeting as amended.

Motion seconded by Nancy Arnold and passed unanimously.

Correspondence and Invoices

Reports

IWEO Agent Approval – 55 Deep River Road

- On December 29, 2010 Joseph Budrow, Essex ZEO sent a letter to Jeanette Bick, property located at 55 Deep River Road, Centerbrook, CT re septic-related work which was recently done close to or within a wetland area and within 100 feet of a watercourse. Mr. Budrow stated that a Wetland Permit was not obtained for this work. Mr. Budrow had determined that there was no significant activity on this property affecting Wetlands.

IW Commission members requested that Mr. Budrow assign an application number to this proposal. Mr. Budrow stated that he will assign a WEO Permit number for this application.

- **DEP PERMITS:**
 - Mill Pond, Centerbrook, CT
 - Industrial Park Pond Permit, 8 Industrial Park Road
 - Macelwee Pond, 54 Dennison Road, Essex, CT
 - Bokum Condominium Pond, 10-12 Bokum Road, Essex, CT

Mr. Budrow stated that the CT Department of Environmental Protection has approved all of the above referenced Applications for the use of pesticides.

- Michael Pickard, 141 Saybrook Rd., Essex, CT:
Mr. Budrow commented on pictures which were sent to him via email concerning newly purchased property at 141 Saybrook Road, with cove frontage. The house is 200 feet from the cove and had trees surrounding it. Those trees were comprised of large, old pines, 2-3 feet in diameter. All of the trees and brush leading to the property have been cleared.

Robert Kolp 24 Cove Rest Pentway, Essex presented. Mr. Kolp stated that he reported the clearing to Mr. Budrow on Friday and it was he who sent the pictures to Mr. Budrow.

Mr. Budrow visited the site on Friday afternoon and took pictures. Mr. Budrow contacted Mr. Picard and asked him to present at this evening's meeting. Mr. Picard met with Mr. Budrow and assured him that he has a planting plan which comprises of 180 trees that he would present at this evening's IWWC meeting.

Nancy Arnold asked if Mr. Budrow has the authority to enforce a Cease and Desist by way of making personal service on Mr. Picard rather than utilizing the mail.

Mr. Kolp noted that he spoke with the loggers and they informed Mr. Kolp that they were instructed to finish up their work as quickly as possible.

Two weeks prior to cutting, Mr. Picard hired Richard Gates, L.S. flag the property lines.

Tom Metcalf presented on behalf of this issue. Mr. Picard met with Tom Metcalf over the weekend and asked Mr. Metcalf to come to this evening's IWWC meeting and provide an explanation of the clear-cutting. Mr. Picard relayed to Mr. Metcalf that he spoke with his attorney, William Blythe who informed him that it was okay to cut down the trees.

Mr. Picard intends to re-landscape and he does plan to do extensive renovations to the existing structure after he has implemented the landscaping.

Nancy Arnold asked if the Commission would have Mr. Picard replant those same trees that he took down in keeping with the same size and maturity of felled trees. Nancy Arnold stated for the record that she finds this unconscionable. Ms. Arnold noted that it is Mr. Picard's intent is to bring in fill, to fill in the area so that he can plant trees. A Cease and Desist order will stop any further activity on this property.

Ms. Arnold asked that all of the newly created IWWC regulations be fully enforced in the Cease and Desist to include bond if necessary.

Mr. Budrow stated that he will craft a Cease and Desist Order which will be sent to Mr. Picard certified mail. Mr. Budrow will schedule a special meeting of the Essex IWWC for Wednesday, April 20, 2011 at 6:30 p.m., Essex Town Hall.

Mr. Metcalf will contact Mr. Picard to gain permission to walk the property.

Mr. Kolp offered his permission to the IWWC members to walk his property, which offers a clear view of the Picard property at 141 Saybrook Rd.

Motion by Nancy Arnold to conduct a site inspection on April 19, 2011 to view the clear cutting on property owned by Michael Picard at 141 Saybrook Road, Essex, CT. IWWC members will enter the property via Robert Kolp's property at Cove Pent Restway.

Motion seconded by Fred Szufnarowski and passed unanimously.

- b. Chairperson Daniel Lapman: Mr. Lapman reported that in a discussion last year with Marian Staye, former Essex WEO/ZEO, Mr. Lapman expressed his concern surrounding property on Main Street, Centerbrook, near the Ivoryton town line. This property is adjacent the former Mazda dealership. There are seven or so vehicles stored on the property and a few are sitting in the stream. Mr. Lapman asked Mr. Budrow to visit the site.

Mr. Lapman reported that there is a property on Plains Road where there are three condo warehouses which have been constructed and leased out to various tenants; The owner of the storage warehouses currently leases several of his storage spaces to

landscaping companies. Mr. Lapman noted that the owner is encouraging and allowing his tenants to wash off their vehicles at the end of each day at the edge of the property, allowing the runoff to flow into the Mudd River. Mr. Lapman asked Mr. Budrow to visit the site.

- c. Planning Commission Representative Claire Tiernan: Ms. Tiernan reported that the Planning Commission has been notified that the CT DEP has selected the Town of Essex as one of (only) 32 communities nationwide to participate in the Sustainable Communities Building Blocks initiative. Ms. Tiernan stated that this means that the DEP will assist with regulations to ensure that we build a sustainable community. Ms. Tiernan noted that this is an excellent source of support from very knowledgeable people.

Mr. Corson asked to arrange for someone to be available to address the different Commissions within the town on this matter.

- d. Conservation Commission Representative Goody LeLash: No report.
- e. Zoning Commission Representative Larry Shipman: Mr. Shipman stated that at the April 2011 regularly scheduled meeting, the Zoning Commission will address the amendments that the Zoning Commission has drafted to the limited industrial zone – rezoning that whole band along Plains Road to lighten the industrial look of the whole strip.

Motion made by Dan Lapman to adjourn.

Motion seconded by Chuck Corson and passed unanimously.

The regularly scheduled meeting of the Essex IWWC adjourned at 8:55pm.

Respectfully submitted,

Stella C. Beaudoin
Recording Secretary

The next regularly scheduled meeting of the Essex IWWC will be conducted on May 10, 2011.